

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Glen Keith LaConey,

Petitioner,

vs.

Ronaldo D. Myers,

Respondent.

Civil Action No. 0:18-cv-1101-CMC

ORDER

This matter is before the court on Petitioner's motion for leave to file out of time a memorandum in support of his objections to the Magistrate Judge's Report and Recommendation. ECF No. 15. The Report was issued May 2, 2018 (ECF No. 7) and Petitioner timely filed objections on May 11, 2018 (ECF No. 11). On May 29, 2018, the court adopted the Report and dismissed this case without prejudice. ECF No. 12.

Petitioner alleges "changed circumstances" and "indigency" as reasons for requesting leave to file this supplemental memorandum out of time. Petitioner does not delineate these changed circumstances, but mentions a meeting with his attorney on May 18, 2018, in which his public defender advised Petitioner "only one of Petitioner's two charges would be disposed of and that the other charge would remain pending indefinitely." ECF No. 15 at 2. The court assumes this is the changed circumstance of which Petitioner speaks. Petitioner further alleges his counsel has no jurisdiction to represent him and Petitioner has no remedy in state court for his detention which continues "in bad faith." *Id.*

The court disagrees the meeting with counsel provides an opportunity to reopen this case. Petitioner does not indicate his trial has been postponed, and he will be able to present his concerns to the state court during his trial scheduled to begin June 11, 2018. The court has adopted the

Report (although it is possible Petitioner had not yet received that ruling when he sent this new filing) and nothing in this memorandum requires reopening of the case.

Accordingly, Petitioner's motion for leave to file out of time is denied.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
June 5, 2018